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7 Evander Frank Kane

8 **UNITED STATES BANKRUPTCY COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**

11 In re
12 EVANDER FRANK KANE,
13 Debtor.

Case No. 21-50028-SLJ
Chapter 7

**FOURTH STIPULATION TO EXTEND
TIME TO ASSUME OR REJECT
CONTRACT**

16 Debtor Evander Kane (“Kane”), Fred Hjelmeset in his capacity as the Chapter 7 Trustee
17 (the “Trustee”) and the San Jose Sharks, LLC (the “SJS” and collectively with Kane and the
18 Trustee, the “Parties”) by and through their respective attorneys of record enter into the
19 following Stipulation to Extend Time to Assume or Reject Contract (the “Stipulation”):

20 Whereas, the Debtor filed the instant bankruptcy case on January 9, 2021;

21 Whereas, the Trustee is the duly appointed trustee in this matter;

22 Whereas, SJS was and remains Debtor’s employer pursuant to a contract entered into on
23 or about May 18, 2018 (the “Contract”);

24 Whereas, as part of his bankruptcy filing, Debtor filed Schedule G, which lists executory
25 contracts and unexpired leases, and Debtor included the Contract on Schedule G;

26 Whereas, the Parties previously entered into a Stipulation to Extend Time to Assume or
27 Reject Contract (ECF 50) and the Court entered an order (ECF 51) extending the deadline for the
28 assumption or rejection of the Contract to June 7, 2021, and a Second Stipulation to Extend Time

STIP TO EXTEND TIME

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1 to Assume or Reject Contract (ECF 157), and the Court entered an order (ECF 159) extending
2 the deadline for the assumption or rejection of the Contract to September 7, 2021, and Third
3 Stipulation to Extend Time to Assume or Reject Contract (ECF 215), and the Court entered an
4 order (ECF 219) extending the deadline for the assumption or rejection of the Contract to
5 December 7, 2021; and,

6 Whereas, the Parties wish to further extend the deadline to assume or reject the Contract,
7 the Parties stipulate as follows:

8 1. The deadline to assume or reject the Contract is extended to and including March
9 8, 2022.

10 2. This Stipulation is not intended as an acknowledgment that the Contract is an
11 executory contract governed by Bankruptcy Code Section 365, nor that an assumption of the
12 Contract is required under the Bankruptcy Code for Kane and SJS to continue to comply with the
13 Contract.

14 3. This Stipulation is without prejudice to some or all of the parties further extending
15 the time to assume or reject the Contract.

16 4. The Parties request that the Court enter an order approving this Stipulation.

17 Dated: December 7, 2021 FINESTONE HAYES LLP

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19 /s/ Stephen D. Finestone
Stephen D. Finestone
20 Attorneys Evander Kane

21 Dated: December 7, 2021 RINCON LAW LLP

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23 /s/ Gregg S. Kleiner
Gregg S. Kleiner
24 Attorneys for Fred Hjelmeset

25 Dated: December 7, 2021 FOLEY & LARDNER LLP

26
27 /s/ Michael J. Small
Michael J. Small
28 Lewis Zirogiannis
Attorneys for San Jose Sharks, LLC

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